

Inventor(s): Klagsbrun M., et al.  
Serial No.: 09/579,420  
Filed: May 25, 2000  
FOR: PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL GROWTH FACTOR

Group: 1642  
Examiner: Nickol, Gary B.



polypeptide having portion of SEQ ID NO:1. The Examiner also noted that Fleurbaaij "does not specifically teach that the isolated polypeptide has VEGF antagonist activity" (at page 7 of the Office Action) and that "there is no specific teaching of the claimed polypeptide (the portion of SEQ ID NO:1 is equivalent to SEQ ID NO:23 on page 121 of Fleurbaaij et al) with a pharmaceutical carrier including a carrier that is acceptable for topical application to the skin or application to the eye" (at page 8 of the Office Action).

Applicants have added new claims 15 and 16 to further define the portion of the construct that possesses VEGF antagonist activity.

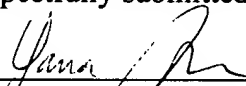
Applicants respectfully submit that Fleurbaaij et al. use VEGF peptides in a conjugate with cytotoxic agents as a targeting moiety, whereas Applicants use peptides (without conjugates) as antagonists of VEGF binding to receptors. Fleurbaaij et al. define a "cytotoxic agent" as "a molecule capable of inhibiting cell function...cell growth, differentiation or proliferation or be toxic to cells..." (Fleurbaaij et al., at page 6, lines 8-9) and a "conjugate" as a "molecule that contains at least one VEGF moiety and at least one targeted agent that are linked directly or via a linker..." (ibid., at page 6, lines 4-5). Fleurbaaij et al. further teach at page 11, lines 8-11, that the VEGF peptides of SEQ ID NOS: 16-24 retain the requisite receptor binding and internalization activities, which indicate a targeting moiety. Because Fleurbaaij et al. only teaches the use of the polypeptides as part of a "conjugate", it cannot be suggestive of using the peptide of SEQ ID NO:1 alone in a pharmaceutical composition. Accordingly, Applicants respectfully submit that Fleurbaaij et al. does not teach or suggest the claimed invention.

Early and favorable action is requested. The Examiner is requested to contact the undersigned to discuss any matters that would expedite allowance of this application.

Date: June 10, 2002

Customer No.: 26248

Respectfully submitted,

  
David S. Resnick (Reg. No. 34,235)  
Lana A. Shvartsman (Reg. No. 48,502)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
Tel. (617) 345-6057  
Fax (617) 345-1300

RECEIVED

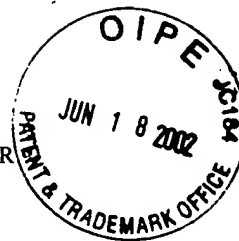
JUN 25 2002

TECH CENTER 1600/2900

COPY OF PAPERS  
ORIGINALLY FILED

Inventor(s): Klagsbrun M., et al.  
Serial No.: 09/579,420  
Filed: May 25, 2000  
FOR: PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL GROWTH FACTOR

Group: 1642  
Examiner: Nickol, Gary B.



VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

**IN THE SPECIFICATION**

**CROSS-REFERENCE TO RELATED APPLICATIONS**

This application is a continuation of International Application No. PCT/US98/26103 filed on December 9, 1998, which claims the benefit of U.S. Provisional Application Nos. 60/069,687 filed December 12, 1997 and 60/069,155 filed December 9, 1997.

On page 10, lines 9-11, please replace the last sentence to read as follows:

These derivatives were prepared to contain the first cysteine residue of exon 8 at the C termini to keep an even number of cysteine residue as is shown in SEQ ID NO: 19.

**IN THE CLAIMS**

Please amend claims 1 and 4 as follows:

1. (AMENDED) An isolated polypeptide having a portion of SEQ ID NO:1 having VEGF antagonist activity, wherein said portion includes amino acids 22-44 of SEQ ID NO:1.

4. (AMENDED) A pharmaceutical composition comprising a polypeptide of claim 1 [claims 1, 2 or 3] and a pharmaceutically acceptable carrier.

**RECEIVED**

COPY OF PAPERS  
ORIGINALLY FILED

JUN 25 2002

TECH CENTER 1600/2900